

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71370 of 2023

Arising Out of PS. Case No.-235 Year-2023 Thana- BARAULI District- Gopalganj

Ashok Kushwaha @ Ashok Kumar Kushwaha Son Of Hiralal Kushwaha
Resident Of Village- Kahlahajari Tola, Ps- Barauli, Distt- Gopalganj
... .. Petitioner/S

Versus

1. The State Of Bihar.
2. Priyanka Devi Wife Of Ashok Kushwaha @ Ashok Kumar Kushwaha
Resident Of Village- Kahlahajari Tola, Ps- Barauli, Distt- Gopalganj Present
Add- Resident Of Village- Kailgarh Khurd, Po- Kailgarh, Ps- Barharia,
Distt- Siwan
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate
For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 29-02-2024 1. Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor appearing
on behalf of the State.
2. The accused/petitioner is named in the F.I.R. and
apprehending his arrest in connection with Barauli P.S. Case No.
235 of 2023 registered for the offences punishable under Section
498 A, 506, 34 of the Indian Penal Code.
3. The allegation against the petitioner is to commit
cruelty against O.P. No. 2/wife.
4. Learned counsel appearing on behalf of the
petitioner submitted that O.P. No. 2/wife is presently living with
her parents and as a good gesture, petitioner is ready to pay Rs.



4,500/- as an ad-interim maintenance amount to O.P. No. 2/wife without fail before 7th day of every English calendar month, till disposal of the present case before Learned Trial Court.

5. Learned counsel appearing on behalf of the opposite party no. 2 has not objected ad-interim amount for the present.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact as petitioner is ready to pay ad-interim maintenance amount of Rs. 4,500/- to O.P. No. 2/wife, till disposal of the case, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Gopalganj/concerned Court below where the case is pending in connection with Barauli Case No. 235 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions :-

(i) Petitioner shall pay Rs. 4,500/- as an ad-interim maintenance amount to O.P. No. 2/wife on or before 7th day of English calendar month. Payment



for the month of February be made in cash at the time of furnishing bail bond, whereas maintenance amount from the month of March onward be paid through bank account of O.P. No. 2/wife, if not available same be opened by petitioner, on his expenditure, if any.

(ii) If petitioner fails to pay ad-interim maintenance for two consecutive months the bail bond of petitioner shall be cancelled by the learned Trial Court, itself, if pressed by O.P. No.2.

(iii) Both conditions as above shall remain in force till finding of learned Family Court on maintenance issue. Amount paid shall be adjusted accordingly.

(Chandra Shekhar Jha, J)

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